

**Arizona Criminal Justice Commission
Summary of the Minutes
January 26, 2006**

A public meeting of the Arizona Criminal Justice Commission was convened on January 26, 2006 at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

Members Present:

Robert Carter Olson, Vice-Chairperson, Pinal County Attorney
J.T. McCann, Chairperson, Chief, Flagstaff Police Department, Kevin Treadway representing
Joseph Arpaio, Maricopa County Sheriff, Jesse Locksa representing
Duane Belcher, Chairperson, Board of Executive Clemency
David Byers, Director, Administrative Office of the Courts
Clarence Dupnik, Pima County Sheriff, George Heaney representing
Tony Estrada, Santa Cruz County Sheriff
Terry Goddard, Attorney General, Cameron Holmes representing
Rod Marquardt, Chief Probation Officer, Mohave County Adult Probation, Doris Goodale representing
Tommie Cline Martin, Gila County Supervisor
Richard Miranda, Chief, Tucson Police Department, Kermit Miller representing
Ralph Ogden, Yuma County Sheriff
Dora Schriro, Director, Department of Corrections, Gary Phelps representing
Andrew P. Thomas, Maricopa County Attorney, Phil MacDonnell representing
Roger Vanderpool, Department of Public Safety, David Felix representing

Members Absent:

Dan Hughes, Chief, Surprise Police Department
Barbara LaWall, Pima County Attorney
Linda Scott, Former Judge

Staff Participating:

John A. Blackburn, Jr., Executive Director
Mary Marshall, Public Information Officer
Kathy Karam, Program Manager
Tony Vidale, Program Manager
Wendy Boyle, Executive Secretary

I. Call to Order and Roll Call

The meeting was called to order by Vice Chairperson Carter Olson at 1:35 p.m. Roll was taken and a quorum was declared present.

II. Minutes of the November 17, 2005 Meeting

Vice Chairperson Carter Olson called for a motion on the minutes. Commissioner Duane Belcher entered a motion to approve the minutes of the November 17, 2005 meeting. The motion seconded by Commissioner Ralph Ogden passed unanimously.

III. Award Presentation

Vice Chairperson Carter Olson recognized Jim Boles, former Commission member for his years of service and dedication to the Arizona Criminal Justice Commission. Mr. Boles acknowledged the award and added a noted correction on the minutes to show Mr. Boles as a voting member at the November 17 meeting. This item was for information only.

IV. Executive Director's Report

A. Staff Information

Director Blackburn introduced Bill Kalaf, Information Technology Manager as new staff to the Commission. This item was for information only.

B. Legislative Update

Mary Marshall, Public Information Officer updated the Commission on legislative issues. On the federal level, the President's budget is due in February and staff is concerned with the Byrne/JAG grant program and will continue to lobby our members from Arizona to restore funding. On the state level, immigration bills and funding mechanisms are issues that could affect law enforcement. This item was for information only.

V. Criminal Records Challenge Case #05C-002-JCA Petitioner Michael Senger

Vice Chairperson Carter Olson presented the Petitioner Case #05C-002-JCA challenging the accuracy of a criminal record which is maintained by the Arizona Department of Public Safety. Vice Chairperson Olson asked if the Respondent and the Petitioner/Counsel were present. A representative from DPS was present; however, the Petitioner/Counsel was not present. Vice Chairperson Olson acknowledged that consultation was made with the Solicitor General's Office and confirmation received that there was no actual statutory conflict of interest because the case originated in Pinal County therefore; he placed the agenda item before the Commission for consideration. Designee Jesse Locksa entered a motion that the Commission adopt the Findings of Fact in Paragraphs 1-18 as recommended by the Administrative Law Judge. The motion seconded by Commissioner Ralph Ogden passed unanimously. Designee Jesse Locksa entered a motion that the Commission adopt the Conclusions of Law in Paragraphs 1-5 as recommended by the Administrative Law Judge. The motion seconded by Commissioner David Byers passed unanimously. Designee Jesse Locksa entered a motion that the Commission accept the Administrative Law Judge's recommendation to dismiss the petition and that no further action be taken concerning the Petitioner's current criminal history record information maintained by the Arizona Department of Public Safety. The motion seconded by Commissioner Tony Estrada passed unanimously.

VI. Residential Substance Abuse Treatment (RSAT)

Kathy Karam, Program Manager discussed how Arizona would receive \$223,474 of the 9.6 million appropriated in FFY 06 for the Residential Substance Abuse Treatment Program. Ms. Karam explained that the impact on this program would be a 69% reduction from the FFY 05 appropriation. This item was for information only.

VII. Byrne/Justice Assistant Grant (JAG)

Vice Chairperson Carter Olson invited the public to address the Byrne/JAG funding. James Womack, Apache County Task Force, Kelly Clark, Navajo County Task Force and Steve Craig, Gila County Task Force addressed the funding issues and challenges of the Byrne/JAG funding. Vice Chairperson Olson thanked Mr. Womack, Mr. Clark and Mr. Craig for their comments.

A. Kathy Karam, Program Manager presented the Program Purpose Areas under the Byrne/JAG program. Commissioner Ralph Ogden motioned that the Commission continue to fund programs in the previously approved priority areas; require each grantee to demonstrate effectiveness based on performance; make funding decisions based on measured performance; allow direct BJA funding to be considered (such as 40% Direct and Methamphetamine Enforcement Initiative used to supplement the Byrne/JAG program) when making funding decisions; and require agencies to use program income to support and sustain their projects. The motion seconded by Commissioner Duane Belcher passed unanimously.

B. Kathy Karam, Program Manager presented match requirement options for the Byrne/JAG Program. Commissioner Ralph Ogden motioned that the Commission approve Option 1 that requires \$1 of match on each \$3 in federal funds for set aside projects only; and Option 3 that requires \$2 of match on each \$3 in federal funds for the remainder of the projects. The motion seconded by Designee Cameron Holmes passed unanimously.

C. Kathy Karam, Program Manager discussed the percentage of set aside funding from the Byrne/JAG Program for Criminal Justice Records Improvement Programs (CJRIP). Designee Kermit Miller motioned to continue to set-aside 5% funding (\$182,694) from the Byrne/JAG Program for the Criminal Justice Records Improvement Program. The motion seconded by Designee Cameron Holmes passed unanimously.

D. Kathy Karam, Program Manager presented to the Committee the funding projects under the \$10,000 BJA threshold. Commissioner David Byers motioned that the Commission eliminate funding projects under the \$10,000 BJA threshold. The motion seconded by Commissioner Tommie Cline Martin passed with one dissenting vote.

E. Kathy Karam, Program Manager reported on the Byrne/JAG Program Funding Level for FY07. Several options were presented and discussed. Commissioner Tony Estrada entered a motion that the Commission accept Option C, Table 5, #1 as shown on page 25 of the agenda which utilizes \$3,624,933 in federal funds, \$6,000,000 in DEA Enhancement funds, and requires \$2 in match for each \$3 in federal funds with a 5% set-aside for CJRIP. The motion seconded by Commissioner Ralph Ogden passed unanimously.

VIII. Crime Victim Assistance Program

Tony Vidale, Program Manager stated the Crime Victim Assistance Program funding level in FY06 was \$900,000. After a review of the projected revenue, Mr. Vidale proposed to continue the program level at \$900,000 for FY07. Commissioner Tony Estrada motioned that the program level for the FY07 Crime Victim Assistance Program be set at \$900,000. The motion, seconded by Commissioner Ralph Ogden passed unanimously.

IX. FY 2004 Crime Victim Services Annual Report

Tony Vidale, Program Manager presented the FY 2004 Crime Victim Services Annual Report to the Commissioners. This report represents a significant departure from previous reports as it highlights activities and services provided by agencies receiving funds from the Victim Compensation Program and Victim Assistance Program. Mr. Vidale thanked staff for their efforts in preparing the report. This item was for information only.

X. Call to the Public

Vice Chairperson Olson made a call to the public. No members of the audience addressed the Commission.

XI. Date, Time, and Location of Next Meeting

The next Arizona Criminal Justice Commission meeting will be held on Thursday, March 30, 2006 at 1:30 p.m. at the Arizona Criminal Justice Commission, 1110 W. Washington, Suite 250, Phoenix, Arizona 85007.

XII. Adjournment

The meeting was adjourned 3:10 p.m.

Respectfully submitted,

John A. Blackburn, Jr.
Executive Director

Audio recording is available upon request.